

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

NOVEMBER 19, 2001

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Townsend at 10:00 a.m. on Monday, November 19, 2001, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

James Braun
Darrell Hanson
Gary Priebe
Kelly Tobin
Terrance Townsend, Chair
Rita Venner, Secretary

MEMBERS ABSENT

Lisa Davis Cook
Lori Glanzman
Kathryn Murphy, Vice-Chair

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment – Swine Graphics 11:00 A.M.

Motion was made by Gary Priebe to approve the agenda as amended. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Terry Townsend asked if there were any corrections for the minutes for the meetings held on September 27, October 8, and October 15, 2001.

Motion was made by Jim Braun to approve the minutes for the meetings of September 27, October 8, and October 15, 2001. Seconded by Kelly Tobin. Approved as presented.

APPROVED AS PRESENTED.

Terry Townsend said that Darrell Hanson had a statement to make.

Darrell Hanson said last month he made the comment that hydrogen sulfide was used to put the odor in natural gas but as it turns out there is a similar hydrogen and sulfide compound called methyl mercaptan which is very similar in that it is a hydrogen sulfur mixture and is produced in our bodies. He said it is a deadly neuro-toxin at high levels but at low levels it is approved by FDA as a food additive.

DIRECTOR'S REPORT

Director Jeff Vonk said he attended a "Town Hall" meeting organized by the University of Iowa to discuss the environmental impacts of confined animal feeding operations on Friday, November 16. The conference was well attended and a lot of good information was shared. In addition he said the department organized the first volunteer conference, which was held November 16th and 17th. It was highly successful with strong attendance. He said with the current budget situation, programs such as Iowater and Keepers of the Land are very important to the department. He expects the conference will become an annual event and he encouraged the Commissioners to attend future events whenever possible. He said the 4.3 budget cut was implemented November 1, however the department does not expect this cut to result in layoffs of any permanent full time people. The department is planning to eliminate a large number of part-time help and there are over 100 people who will be eligible to participate in the early retirement program. He said he expects to finalize the details of the department's reorganization plan with the Governor within the next week and hopes to be able discuss the plan with the Commission at the December meeting.

Jim Braun said he would like to thank the department for putting Volunteer Conference together and commended them for a job well done. He expressed concern about the loss of expertise with the early retirement incentive.

CONTRACT – CENTER FOR HEALTH EFFECTS OF ENVIRONMENTAL CONTAMINATION (CHEEC) – STATEWIDE STUDY OF DRINKING WATER QUALITY IN IOWA COMMUNITIES WITHOUT PUBLIC WATER SUPPLY SYSTEMS

Larry Bean, Administrator for the Energy and Geological Resources Division presented the following item.

The Department requests Commission approval of a \$50,000 contract with the Center for Health Effects of Environmental Contamination (CHEEC) for a study on private wells located in incorporated areas without municipal drinking water systems.

This project is the first statewide examination of private drinking-water wells in towns that are not served by a public water supply. The drinking water quality of these wells have not been assessed in the state before, primarily because they fall outside the scope of the monitoring conducted as part of the Safe Drinking Water Act for municipal drinking water sources and they were not included in the Statewide Rural Well Water Survey of the late 1980s. These private wells may have a higher potential for contamination due to their co-location in areas of urban activity and because they tend to utilize vulnerable aquifer systems. In particular, the discovery of wells with high levels of herbicides and nitrates in Nichols, Iowa (1997) and Percival, Iowa (2000) highlight the need to conduct a comprehensive survey of these private wells. Other cooperators in this project include the University of Iowa Hygienic Laboratory, United States Geological Survey, and the Department of Natural Resources – Water Supply Section. The \$50,000 contract amount covers roughly 20% of the total project cost (\$234,000) and will be used to pay for a portion of the analytical costs, data management, and sample collection costs.

Approximately 140 Iowa towns rely on private wells rather than municipal or regional rural water supplies. The study design calls for a subset of wells in these towns to be randomly selected and tested for herbicides, nitrate, synthetic organic compounds, volatile organic compounds, and metals. These results can be used to predict the number of towns that may be experiencing high levels of contaminants in their drinking water.

Funding for this contract is available from the RIIF State funds appropriated as part of the Iowa Water Quality Initiative.

Funding Support

Sampling will begin during the first quarter of the 2002 calendar year.

Funding Source	Amount Requested
University Hygienic Laboratory (UHL) Grants to Counties ¹	\$125,444
CHEEC	\$25,000
United States Geological Survey (USGS) ²	\$25,720
IDNR-Water Supply Grants to Counties	\$8,586
IDNR-Geological Survey Bureau ³	\$50,000
Totals	\$234,750

¹ Funds will be allocated over two fiscal years (FY 2002 and FY 2003)

² USGS Coop Research Program: USGS will provide 1:1 match for USGS portion of budget

³ IDNR-GSB: funding contingent upon approval by Iowa Environmental Protection Commission

Funds Allocation

Grants to Counties funds: UHL analytical laboratory costs

CHEEC funds: GRA salary + fringe, risk communication costs, portion of survey design

USGS funds: USGS costs

IDNR-GSB funds: portion of UHL analytical costs, CHEEC Data Management Center costs, travel, county sanitarian costs, portion of survey design, USGS dollar match costs.

Budget Category	UHL	CHEEC	IDNR GSB	IDNR WS	USGS	Total
Personnel- Graduate Research Assistant		\$20,219				\$20,219
Laboratory Analysis	\$125,444		\$17,086			\$142,530
Data Management			\$4,795			\$4,795
Travel		\$781	\$1,499			\$2,280
Risk Communication		\$4,000				\$4,000
County Sanitarian Incentive				\$8,586		\$8,586
County Sanitarian Training			\$800			\$800
Survey Design			\$100			\$100
USGS-staff support, QA/QC			\$25,720		\$25,720	\$51,440
Total	\$125,444	\$25,000	\$50,000	\$8,586	\$25,720	\$234,750

In-kind Support

Funding Source	FY 2002	FY 2003
CHEEC ¹	\$7,628	\$5,263
EHSRC ²	\$7,178	\$4,953
UHL ³	\$10,350	\$7,142
Total	\$25,156	\$17,358

¹ CHEEC: 5 % effort from study team (P. Weyer, D. Riley), 100 hours effort - CHEEC Data Management Center

² EHSRC: 5% effort for risk communication team (D. Osterberg, S. Marquez)

³ UHL: 5% effort from study team (M. Wichman, T. Cain, L. Kurimski, L. Hudachek)

Larry Bean introduced Mary Skopec, Supervisor of the Water Monitoring Section at Geological Survey Bureau.

Mary Skopec said this contract would enable the Department to look at private wells in communities who do not have public water supplies. These wells are not covered under Federal mandate for water quality and they tend to be in vulnerable aquifer systems and located near leaking underground storage tanks or ag facilities. She said they are proposing to look at 160 randomly selected wells across the state. They will look for a variety of contaminants such as metals, pesticides, insecticides, and hydrocarbons.

Rita Venner asked Mary what their goal was when they get the results.

Mary Skopec said they are hoping to be able to make a prediction on how many towns may have problems with water quality. She said this proposal will be phase one and phase two will be to actually deal with the problems they have found.

Rita Venner asked if the towns would be required to bring their water up to standard if they were found to have problems.

Mary Skopec said there is no law that requires these towns to be tested at this time because they are private wells. If problems are found the county sanitarian will work with the towns and private owners to bring the wells into compliance or find a different water supply.

Brief discussion followed regarding the funding of the project and the logistics of the project.

Motion was made by Rita Venner to approve the contract as presented. Seconded by Kelly Tobin. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE – CHAPTER 118, DISCARDED APPLIANCE DEMANUFACTURING (NEW RULE)

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

Attached is the proposed Chapter 567-IAC-118 rule, the Responsiveness Summary for the comments received at the public hearing and during the public comment period, and a copy of

the Regulatory Analysis requested by the Legislative Rules Review Committee at their meeting on June 5, 2001.

This chapter establishes a permitting program and describes the existing operational requirements for facilities engaged in the demanufacturing of discarded appliances. It does not apply to activities dedicated solely to servicing, maintaining or repairing appliances.

The proposed rule is an orderly and concise presentation of current state and federal regulations pertaining to appliance demanufacturing. Consolidating all pertinent requirements into a single chapter will enhance the ability of those in the appliance demanufacturing business to comply with existing regulations and, through a simple permit process, provide the department with the capability to verify compliance. The department does not intend to assume jurisdiction over any federal programs or to apply regulations that are stricter than federal law in regard to demanufacturing discarded appliances. Federal regulations with respect to refrigerants are more extensive and far-reaching than the scope of this proposed chapter. This rule is intended to establish requirements only for a limited type of solid waste processing facilities, appliance demanufacturers.

At this time the Commission is requested to approve the rescission of the current Chapter 567--Chapter 118 "Removal and Disposal of Polychlorinated Biphenyls (PCBs) From White Goods Prior to Processing" and adopt the new Chapter 567—118 "Discarded Appliance Demanufacturing".

(A copy of the Proposed Rule, Responsiveness Summary, and the Regulatory Analysis are available in the Department's Record Center.)

Liz Christiansen said the Department published the regulatory analysis and had not received any additional comment as of the close of business on November 6. Her staff developed a preamble to the responsiveness study so that any interested party can see immediately how these rules will effect their business. She said the Department has received some requests for training once the rules become final and she said her division is planning to provide some training for solid waste agencies and appliance demanufacturers.

Rita Venner said while reading the responsiveness summary she felt as though the Department had listened to comments and made the needed changes.

Hal Morton (Chapter 118 Discarded Appliance Demanufacturing)

Hal Morton with the Des Moines County Regional Solid Waste Commission in Burlington Iowa said they had made a change in how they handle appliance demanufacturing in their area approximately three years prior and he felt that the proposed rules would have made it easier for them to know where they were headed. He said the Department did a stellar job of involving the different constituencies and effected parties in developing these rules.

Jeff Dworek (Chapter 118 Discarded Appliance Demanufacturing)

Jeff Dworek, Director of Operations for Metro Waste Authority said they currently collect about 12,000 appliances for their service area. He said he would like to commend the Department and thank them for including the affected parties in the process and listening to their concerns. He submitted a letter of support for the proposed rules.

(A copy of the letter is available in the Department's Record Center.)

Scott Smith (Chapter 118 Discarded Appliance Demanufacturing)

Scott Smith said he was there to speak to the Commission on the behalf of both Boone County and Iowa Society for Solid Waste Operations (ISOSWO). He said they appreciate the Department's willingness to include the affected sectors in the rule development process and they support the Department's efforts to adopt rules that reflect federal requirements and which provide a level playing field for those involved with appliance demanufacturing. They feel current rules are simply not sufficient to address the management of discarded appliances. He asked the Commission to grant final approval for the proposed rules.

Cindy Turkle (Chapter 118 Discarded Appliance Demanufacturing)

Cindy Turkle from Turkle Clark Environmental said she would like to also voice her support for the proposed rules, as they will put into place existing Federal requirements. She said she was happy to hear that the Department is planning to provide the training and would like to encourage the Department to do some type of statewide publicity to get the word out to the appliance dealers.

Terry Zeien (Chapter 118 Discarded Appliance Demanufacturing)

Terry Zeien from J & R Appliance said he would like to thank the DNR for their efforts and he is 100% behind the proposed rules. He said in the long run he believed it would save the Department money because they give clear guidelines to go by.

<i>Motion was made by Kelly Tobin to approve the Final Rule for Chapter 118, Discarded Appliance Demanufacturing as presented. Seconded by James Braun. Motion carried unanimously.</i>

APPROVED AS PRESENTED

Liz Christiansen said all of the staff did a good job on this rule but she would like to thank both Jon Tack and Brian Tormey who worked on the regulatory analysis, which had never been done before.

PUBLIC PARTICIPATION

Rita Griffith (Clark County Demand for Hearing)

Rita Griffith distributed a packet of information to the Commission. She said she resides in Clarke County two miles north of Swine Graphics proposed five building confinement facility and she was there to represent her family and neighbors. They are very concerned with the contaminants that are emitted into the air from the confinement buildings. The large-scale confinement will prevent farmers from working in their fields and interfere with the enjoyment of the life and property of the families in the area. She said she lives in a valley that runs north and south which is the lowest point for miles. She asked the DNR field representative to visually see where she lived in comparison to Swine Graphics proposed facility and was told by him that the odors and irritants will travel to her home with no place for it to go. She said her son has allergies and asthma and she will hold the contaminant source responsible for any health problems arising from or adding to his existing health problems. She asked the Commission to adopt a rule that requires a filtration system to be installed that would prevent the irritants and odors from being emitted into the atmosphere.

(A copy of the information packet is available in the Department's Record Center.)

Pat Anderson (Clarke County Demand for Hearing)

Pat Anderson showed the Commission some pictures and a hand drawn map of the site. She said when they put in the pond at the site it will shut off the water for one of the neighbor's cows. She also did not believe that Swine Graphics would have 75 acres of drainage as they claimed to have in their permits. She claimed the lagoons would be too close to the waterway and that Swine Graphics had begun construction on August 13th. She was concerned about the fact that lagoons they took the test from are not the same as they are putting at this site. They tested three stage lagoons but this site will have two stage lagoons. She asked how the Department could give this company a permit to ruin the water, air, and environment.

Robert Johnson (Clarke County Demand for Hearing)

Robert Johnson said when Swine Graphics signed the permit application on May 15, 2001, they claimed that the information contained in the application was true and accurate. However a statement on the application says that rural water is available near the site, a well may drilled, or surface impoundment constructed for water supply use. As of November 2000 Swine Graphics were told that they did not have rural water. He said according the Chapter 64.55(B) it states several times that there shall be an adequate water supply and a description of available water shall be provided. Swine Graphics has failed to meet this requirement. He said the DNR exceeded the bounds in issuing the letter of intent to issue the permit.

Peggy Murdock (Clarke County Demand for Hearing)

Peggy Murdock said you couldn't raise healthy animals in a confinement. When these animals die at 180 to 220 pounds they have as many as five pathogens in them that has been being controlled by they antibiotics. The antibiotics persist in the soil for up to a year so when they spread the manure on the soils they are spreading antibiotics. In addition, by injecting the manure into the soil it creates an ideal environment for pathogens, which mixed with the antibiotics create antibiotic resistant pathogens.

Jenny Tyler (Chapter 107 Beverage Container Deposit)

Jennifer Tyler, with the Carney Law Firm said she was there to represent Anheuser-Busch, Inc. Anheuser-Busch has a number of concerns dealing with labeling requirement in the initial draft of the proposed rule concerning the beverage container deposit. She said they participated in the advisory committee that met with the Department to assist in the rewrite of the rules. Although most of their concerns with the labeling requirement had been addressed in the latest draft of the rules they are concerned because the rules currently contain a definition of embossing but not of incising. They recommend that a definition of incising be included in the rules. The other concern they have is that the rules authorize the use of the abbreviation IA 5¢ in some paragraphs but not in others.

Bill Wimmer (Chapter 107 Beverage Container Deposit)

Bill Wimmer from the Iowa Soft Drink Association distributed a handout to the Commission. He said there is a proposed rule included in this chapter that requires that the soft drink bottles and beer wholesalers would be the same in that they would gather and give to the department all of their sales and redemption information. This information is proprietary in nature and is not normally shared with each other because doing so would be considered an antitrust violation. He said he would also like to remind the Commission that the bottle deposit law has been in effect for a long time and one reason that it has is because it has been made consumer friendly and relatively invisible. The more rules, regulations, and expense that is added the more difficult the law becomes to follow.

Sheila Douglas (Chapter 107 Beverage Container Deposit)

Sheila Douglas submitted written comments from the Iowa wholesale Beer Distributors Association.

(A copy of written comments is available in the Department's Record Center.)

Jerry Fleagle (Chapter 107 Beverage Container Deposit)

Jerry Fleagle from the Iowa Grocery Industry Association said they are objecting to the proposed rule. He distributed a letter of objection and reviewed the specific points of their objections.

(A copy of the letter of objection is available in the Department's Record Center.)

DEMAND FOR HEARING – CLARKE COUNTY – SWINE GRAPHICS ENTERPRISES – ADLV SOW FARM

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On October 5, 2001, the department issued a Notice of Intent to Issue a Permit, and draft Construction Permit to Swine Graphics Enterprises – ADLV Sow Farm, Project No. 20-00-4-11. The project is a five confinement barn swine feeding operation with shallow below-building pits

and a two-cell anaerobic lagoon, with an animal capacity of 3,097 breeding/gestation, 250 gilts, and 480 farrowing, or 1,504,800 lbs. The facility would be located in the SE ¼, SW ¼ of section 26, T73N, R27W [Madison Township], Clarke County, Iowa.

Notice of this action was delivered to the Clarke County Board of Supervisors on October 5, 2001. On October 19, 2001, that Board notified the department by facsimile of its intent to demand a hearing, and the demand for hearing was mailed to the department on October 19, 2001. A summary of legal provisions and pertinent documents relating to the demand and the department's and/or permittee's response to it have been provided to the Commission.

The Commission is requested to review this matter and render a decision by November 23, 2001, which is 35 days from the date the County filed a demand for hearing.

Michael Murphy briefed the Commission on the item. He said the county did not request to present any oral comments but Randy Clark was there to represent the Department and representatives from Swine Graphics were also available to present comments and answer any questions the Commissioners may have.

Randy Clark said the department staff did identify a deficit of water for this facility 10.99 acre feet or approximately 3.58 million gallons for the first year because of the need to initially charge the lagoon and 1.48 acre feet or 482,000 gallons for the years after. Swine Graphics responded that they had a number of different sources from which they could get water, those sources included a deep well, another pond, transporting water from another Swine Graphics facility, a 25,000 gallon storage tank to provide buffer storage, or hooking up to Southern Iowa Rural Water Association. The department believed that these were speculative sources and because of that Condition 9 of the permit requires that they prove up their water source before they can use the facility.

Terry Townsend asked if it was normal to tell a facility that they would not be able to populate rather than you will not start construction until the water supply is firm.

Randy Clark said this situation was rare so there was no normal procedure.

Reza Khosravi, reviewing engineer for this project said the basic question for this project is whether or not the water is available and/or the sources reliable and they do not have those two things.

Brief discussion followed regarding whether or not the facility would be allowed to operate without a permit after the facility was built.

Reza Khosravi said that the owner of this confinement is aware that if they don't have water they cannot put animals in the facility.

Randy Clark said Clarke County has expressed concern about Swine Graphics manure management plan, however he believes there was some confusion about the amount of manure that would be generated and the number of acres being used for application. The manure

management plans have been looked at by the staff and based upon relatively low nitrogen content of this manure it would call for a relatively low number of acres. The final concern that Clarke County had was that there is a pending enforcement action which under the law would prevent the department from issuing a permit. However a pending enforcement action is defined as a case that has actually been filed by the Attorney General in District Court, therefore although a case had been referred to the Attorney General it was not considered a pending enforcement action because it had not yet been filed in District Court. In addition the case has now been settled.

Terry Townsend asked if there was any reason the commission could not simply deny the permit until all of the requirements, including water, had been met.

Randy Clark said that would be the Commission's prerogative.

Wayne Gieselman said this is the first time he can remember this being a big concern and he feels that Reza Khosravi has pursued it diligently. He said their approach on this project was that a conditional permit would be issued that prohibits Swine Graphics from occupying the building until they prove up their water supply. He said the company has given them five alternatives, which he feels will eventually provide an adequate water source.

Gary Myers, Clarke County Demand for Hearing

Gary Myers from the Davis Brown Law Firm said he was there representing Swine Graphics Enterprises. He said eight months prior Swine Graphics submitted a permit application and a copy of it went to Clarke County. The county expressed concerns about adequate water supply and the manure management plans at that time but he felt the Department had responded to their concerns in its notice of intent to issue the permit. He said it is important to distinguish between the water initially needed to load the lagoon and the water needed on an ongoing basis. He said he believes that the company has shown that they have adequate water supply for an ongoing basis. The shortfall for ongoing activities was considerably less than the initial shortfall needed to load the lagoon. He said they do have a letter from Southwest Rural Water that says in the future they will have the additional gallons they need on an ongoing basis. As far as the initial filling of the lagoon, the rules require that before any manure can be discharged to an anaerobic lagoon the lagoon will first be filled to fifty percent of its minimum designed volume with fresh water. Therefore they cannot discharge any manure into that lagoon until they satisfy this stipulation of the permit. He said in regard to the manure management plan, he speculated that the county came up with the 13 million gallon figure for the amount of manure that would be generated because that is the total capacity of the anaerobic lagoon. However the amount manure that would be spread is considerably less than that. The last item regarding the pending enforcement action, there was a matter referred to the Attorney General's office and they have been working with them to come up with a settlement and have delivered a signed consent decree and a check for the payment of the agreed upon fine. As a result he said they believe they have satisfied all of the requirements in the rules and as such are entitled to the permit.

James Braun asked for the amount of phosphorus and potassium that would be applied to the land along with the nitrogen.

Wayne Gieselman said the facility would produce 69,846 pounds of phosphorus and 70,346 pounds of potassium per year.

James Braun distributed a list of the different components in animal waste, an excerpt from Dr. Laura Jackson's study in Hamilton County, and an excerpt from the Des Moines Register article regarding a study of the environment surrounding a Confined Animal Feeding Operation (CAFO) in Northern Iowa. He reviewed the handouts for the Commissioners and asked Craig Loffredo from Swine Graphics to explain the difference between the amount of nitrogen excreted by the hogs and the amount estimated to be applied to the land.

Craig Loffredo said his responsibilities are in the production and so he did not feel qualified to answer the question, he suggested that Reza Khosravi from the Department would be the better choice to answer it.

Reza Khosravi said 70 to 80 percent of the nitrogen in the lagoon volatilizes, which means it transforms to other forms of nitrogen and evaporates into the air.

James Braun asked what happens to the nitrogen when it goes into the air.

Reza Khosravi said it changes to other forms of nitrogen and was returned to the ground through rainfall.

James Braun said when 70 to 80% of the nitrogen is volatilized it leaves very little nitrogen to be incorporated into the soil he asked Mr. Khosravi where the 69,846 pounds of phosphorus and 70,346 pounds of potassium would go.

Reza Khosravi said there are no rules at this time that deals with those nutrients. Current rules deal with nitrogen only.

James Braun said it appears to him that under current state statutes nitrogen has been chosen as the nutrient by which manure application rates to the land are regulated. Nitrogen is the only nutrient in manure that volatilizes. He said it seems like common sense to him that to protect the environment, regulation should be based on the component in the waste that will first cause the environmental or the public health problem.

Terry Townsend said that this was not the issue that the Commission is dealing with in this case.

James Braun said he is in conflict between his responsibility under Iowa Code and what is right for the people and the environment in the State of Iowa.

Darrell Hanson said that he would like to separate the water issue into two questions. One being the water needed for ongoing operation and dilution and the other being the water needed to load the lagoons. Ignoring the issue of loading the lagoons, he asked, is there sufficient water supply identified to take care of the dilution needs.

Gary Myers said with the rural water there is more than a sufficient supply of water.

Reza Khosravi reviewed the calculations and said for the second year out at this time they are 1.48 acre-feet short.

Darrell Hanson said the issue of loading in the rule is separate from water supply. The rule states that you do not need to show that you can load the lagoons in order to get the permit you need to do it in order to start discharging manure. However, the Commission must decide how strictly they wish to interpret the rule requiring the company to provide proof that adequate water is available for dilution. He asked the representative for Swine Graphics if the rural water was necessary for them to get the additional 1.48 acre-feet needed for ongoing operations.

Gary Myers said those numbers have nothing to do with rural water and are in fact reflecting the ponds they are going to build. Without rural water for the first year they are 10.99-acre feet short and then in subsequent years, without rural water, they are 1.4 acre-feet short. He said in reality, although Mr. Khosravi may not agree, they are really not short because Mr. Khosravi's figures include drinking and wash water and wash water can arguably be used as dilution water.

Darrell Hanson said the issue before the Commission with regard to this permit is whether or not there is enough water available for dilution because the issue of loading the lagoons will only come into play if and when they begin to discharge manure.

Terry Townsend said Mr. Robins, the chairman of the Board of Supervisors has asked to speak to the Commission.

Terry Robins (Clarke County Demand for Hearing)

Mr. Robins said there had been a lot of good questions asked. On the behalf of the citizens of the county he asked that the Commission closely look at the first question dealing with water supply. He said there is a lot of 'ifs' in the issuing of this permit. In Southern Iowa it is either feast or famine when it comes to rains and there is no guarantee that Southwestern Iowa Rural Water Association will hook up to this facility in the next year.

Kathleen Johnson (Clarke County Demand for Hearing)

Kathleen Johnson said she lives north of Murray near the proposed facility, this facility is at the top of a hill and she is concerned that there is not enough water to compensate for evaporation. In addition, DNR does not supervise the application of manure because they do not have the manpower to do it. She said Murray has a large school, once this facility is built the school will be surrounded on three sides by hog confinement feeding operations.

Darrell Hanson said it looks to him as if the rules say that in order to get a permit you have to identify the source of water and show that there is enough to handle dilution. He said he understands that this company is not likely to spend the money to construct this facility without being reasonably sure that the water supply is available. However there are a lot of people who have come before the Commission asking for things that are reasonable and perhaps right that

have to be told that the rules do not allow it. So although this may a very logical arrangement he is not sure that the rules allow it as they are written.

Terry Townsend said it is his understanding that the Commission should expect that all of the water sources be identified prior to the permit being issued.

Rita Venner said it looks to her that Swine Graphics has presented all of the facts that they needed to present. She said she could see no value in asking them delay construction until they have water because they are not going to be allowed to put any animals into the buildings until they have it. She said the Commission has to abide by the rules. She believes the people who live by the confinements that have health complaints need to go to their legislators and they need to talk them into creating firmer rules.

Motion was made by Rita Venner to uphold the permit. Seconded by Gary Priebe. The roll call vote went as follows. Rita Venner – aye; James Braun – nay; Kelly Tobin – nay; Terry Townsend – nay; Darrell Hanson – nay; Gary Priebe – aye

Motion did not carry.

Motion was made by Darrell Hanson to deny the permit on the grounds that section 567 65.15 (13) paragraph C water supply requirements have not been met. Seconded by Kelly Tobin. Roll Call vote went as follows: James Braun – aye; Kelly Tobin – Aye; Darrell Hanson – Aye; Gary Priebe – Nay; Rita Venner – Nay; Terry Townsend – Aye;

Motion did not carry.

ITEM DEFERRED UNTIL WEDNESDAY NOVEMBER 21, 2001

NOTICE OF INTENDED ACTION – CHAPTER 109, SPECIAL WASTE AUTHORIZATIONS (RESCISSION OF OLD/ESTABLISHMENT OF NEW CHAPTER)

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

Attached for the Commission's information is the Notice of Intended Action for the proposed rule stated above.

The rule was developed in conjunction with an advisory committee and establishes a new chapter dedicated to special waste authorizations. The existing rule is included in a chapter that addresses a wide variety of general solid waste permitting requirements that made it difficult for the regulated community to locate the special waste requirements.

Currently, Department staff is required to make decisions on how special wastes should be managed at landfills. The proposed rule puts that responsibility on landfill managers and operators who are familiar with the landfill's operation and more capable of making those decisions. Landfills will develop and submit special waste acceptance criteria (SWAC) for their individual facility. The SWAC will identify the special handling practices that must be followed at each specific landfill by the landfill operators, waste haulers and the generators of special waste.

At this time, the Commission is requested to approve this Notice of Intend Action to rescind existing rule 567 IAC-102.15 (455B) "Disposal of Special Waste" and to establish a new Chapter 567-IAC-109 "Special Waste Authorizations".

(A copy of the Notice of Intended Action is available in the Department's Record Center.)

Liz Christiansen distributed a revised copy of the Notice of Intended Action, which includes paragraph 109.9. She said this change had been made because of a request from ISOSWO, who felt it was necessary to provide additional guidance at the local level regarding the handling of medical and infectious waste. She said the department felt that it would be more appropriately handled when they address Chapter 112, which involves infectious waste, however because this could not be done until after the first of the year, ISOSWO wanted the language to be still in effect and useable at the local level.

Motion was made by Kelly Tobin to approve the Notice of Intended Action as revised. Seconded by James Braun.

Scott Smith – Chapter 109 Special Waste Authorizations

Scott Smith from ISOSWO said they appreciate the department's willingness to invite in the affected sectors as the rules are being reviewed. He said the improper disposal of infectious waste is the most serious threat that the industry faces. When dealt with improperly the impacts and ramifications on the staff as well as potential customers is tremendous. Therefore they felt it was important to keep some type of enforcement in place until such time as the new Chapter 112 can be reviewed.

Motion Carried Unanimously

APPROVED AS AMENDED

CONTRACT FY2002 – ENVIRONMENTAL MONITORING AND LABORATORY SERVICES FOR WATER AND LAND QUALITY

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for the FFY 2002 agreement with the University of Iowa's Hygienic Laboratory (UHL) for environmental monitoring and laboratory services for the Department's water and land quality programs. Air quality and ambient water quality monitoring, analytical services and reporting are covered by separate agreements. This agreement includes compliance sampling of waste water treatment plants, analyses of field samples, water supply monitoring and reporting; analytical work related to the underground storage tank and uncontrolled sites programs; and programming services for the waste management division.

The primary difference between the proposed 2002 agreement and the 2001 agreement is the ambient water quality monitoring program costs, including volunteer monitoring, will now be

covered under a separate agreement with UHL, which has the effect of reducing the overall agreement amount by over \$1.2 million. Other than this change, no major items or tasks were added or dropped as compared to 2001.

The amount of the agreement is estimated at \$346,526. Attached is a summary of the projected costs broken down by program areas. In general, the UHL monitoring/analysis costs have not been increased over 2001 levels. The cost of reporting water supply laboratory data increased slightly but was offset by a decrease in the amounts for water supply compliance and technical assistance monitoring. The funds for the agreement will come from various EPA grants and fees paid to the Department.

Iowa Code §455B.103 requires the Department to contract with state public agencies for these services unless the required services cannot be provided by such agencies.

TASK	DESCRIPTION	FIXED PAYMENT AGREEMENT AMOUNT *	VARIABLE PAYMENT AGREEMENT ESTIMATE **
9.1	Water Quality Monitoring (Article 3.1) Compliance Sampling Inspections (CSI) Field Support Sample Analysis Fish Kill Sample Analysis Emergency Response Fish Tissue Monitoring Storm Water Runoff Sampling Subtotal	53,248 66,680 15,600 135,528	 3,000 1,000 5,000 9,000
9.2	Water Supply Monitoring (Article 3.2) Monitoring for Compliance Monitoring for Technical Assistance Reporting UHL analytical data Reporting non-UHL analytical data Subtotal	 39,980 32,710 72,690	4,250 2,890 7,140
9.3	Leaking Underground Storage Tanks (Article 3.3)		20,000
9.4	Waste Monitoring (Article 3.4)		70,000
9.5	Waste Management Assistance (Article 3.5)	6,500	
	Subtotal	214,718	106,140
	Indirect Cost (8%)	17,177	8,491
	TOTAL OF COLUMNS	<u>231,895</u>	<u>114,631</u>
	TOTAL OF BOTH COLUMNS	<u>346,526</u>	

* The amounts in this column will be divided up into four quarterly payments. They are not expected to change during the contract period.

** The amounts in this column will be billed to the Department monthly or quarterly on a cost reimbursement basis. These are maximum amounts allowed under the agreement; the actual amount billed may be less depending on the amount of services provided.

Mike Valde said this is a contract that the Department has with the University of Iowa Hygienic Lab, which is renewed annually. This year, however, there will be a separate contract for the Ambient Water Monitoring portion of the contract, which had been included with this one in the past. He said this contract is essentially for the same amount as it was the previous year for this portion of the contract

Motion was made by James Braun to approve the contract as presented. Seconded by Kelly Tobin. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – CHAPTER 20, SCOPE OF TITLE-DEFINITIONS-FORMS-RULES OF PRACTICE; CHAPTER 22, CONTROLLING POLLUTION; CHAPTER 23, EMISSIONS STANDARDS FOR CONTAMINANTS; CHAPTER 25, MEASUREMENTS OF EMISSIONS (UPDATES, REVISIONS, AND ADDITIONS)

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The attached Notice of Intended Action to amend Chapter 20, “Scope of Title—Definitions—Forms—Rules of Practice,” Chapter 22 “Controlling Pollution,” Chapter 23 “Emission Standards for Contaminants” and Chapter 25, “Measurement of Emissions” of the 567 Iowa Administrative Code is being presented to the Environmental Protection Commission for approval to proceed with the rulemaking process and publish a notice of intended action on these proposed rule revisions and additions.

This proposed rulemaking consists of a general update to the air quality rules. This update incorporates more recent dates of reference to federal regulations or amendments to existing federal regulations.

In addition, these rules propose to adopt by reference 5 national emission standards for hazardous air pollutants (NESHAPs) and two standards of performance for a new source (NSPS) promulgated by EPA. The new NESHAPS cover the following source categories: chemical recovery combustion sources at kraft, soda and sulfite and stand alone semichemical pulp mills; secondary aluminum production, manufacturing of nutritional yeast, solvent extraction for vegetable oil production and boat manufacturing. The NSPSs cover commercial and industrial solid waste incineration units and new small municipal waste combustion units.

The proposed rules also provide requirements for notification to the department before the construction of emission units. Where notification has been required in the past, the proposed rules have added additional guidance on the type and timing of information submitted to the department. Other administrative amendments are included in these proposed rules which make the rules either easier to understand or clarify ambiguous language.

Any interested party may comment on the proposed rules through January 25, 2002. A public hearing is scheduled for January 10, 2002 in Urbandale at 10:30AM
(A copy of the Notice of Intended Action is available in the Department’s Record Center.)

Mike Valde said the Air Quality Bureau initiates a rule making twice a year to bring the rules up to date with the Federal Regulations. The public hearing is scheduled for January 10, 2002 at the Air Quality Bureau.

Motion was made by Rita Venner to approve the Notice of Intended Action as presented. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE – CHAPTER 107, BEVERAGE CONTAINER DEPOSITS (REVISIONS)

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

Attached for the Commission's information is a draft of the Notice of Intended Action for the proposed rule stated above. The Commission will be requested to approve this Notice of Intended Action at its December meeting to begin the formal rule making process on the attached proposed rules.

In response to the need to update and clarify existing administrative rules as directed by the Governor's Executive Order 8, the following brief and attachment are presented.

The Department contracted with the State Public Policy Group to facilitate four advisory committee meetings. The 22 member advisory committee comprised of representatives of redemption centers, dealers, distributors, manufacturers, environmental groups, state policy makers, and the department. Broad representation was required to ensure issues were identified and addressed in a balanced discussion.

Highlights of the rules revisions include:

- Clarifying and updating labeling requirements
- Clarifying approved redemption centers and exempt dealers
- Removing references to state owned liquor stores
- Adding reporting requirements for distributors and redemption centers
- Adding public education

(A copy of the Proposed Rule is available in the Department's Record Center.)

Liz Christiansen said the department had a 22 member advisory committee representing redemption centers, beer distributors, Soft Drink Association, Grocery Association, Dahls, Environmental Council, Sierra Club, Iowa Legislature, Container Recycling Institute and Anheuser-Busch. She said given the scope of the changes of this rule she would like to have the staff make a short presentation next month, which will better explain the revisions.

Gary Priebe asked if the Department had addressed any of the comments made earlier in the day.

Liz Christiansen said those comments would be treated as public input to which the Department will respond.

INFORMATION ONLY

PROPOSED RULE – CHAPTER 111 FINANCIAL ASSURANCE REQUIREMENTS FOR MUNICIPAL SOLID WASTE LANDFILLS (REVISIONS)

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

In June of 2001, the Commission adopted new Chapter 111, “Financial Assurance Requirements for Municipal Solid Waste Landfills”. During the June meeting it was agreed that a technical advisory committee would be established to assist staff in the development of rules for closure and postclosure accounts for municipal solid waste landfills. This committee was established and their input was provided to the department in the department’s development of rules establishing the requirements for closure and postclosure accounts. Additionally, the department identified inconsistencies in the recently adopted chapter that need to be addressed.

The department is now prepared to initiate the rulemaking processes to provide for public comment and input on the proposed rule. A Notice of Intended Action will be presented to the Commission in December for decision.

(A copy of the Proposed Rule is available in the Department’s Record Center)

Liz Christiansen said because this rule has an impact on every landfill in Iowa and it is somewhat complicated she would like to make a presentation next month for this item as well.

INFORMATION ONLY

PROPOSED RULE – CHAPTER 136 FINANCIAL RESPONSIBILITY FOR UNDERGROUND STORAGE TANKS (AMENDMENTS)

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Director presents to the Commission for information a Notice of Intended Action for the enclosed amendments to Chapter 136. The amendments provide a rule update. The Commission will be requested to file the Notice of Intended Action at their next meeting.

The amendments remove the compliance dates to meet the financial responsibility requirements for their underground storage tanks. The dates have passed and are no longer needed. The reference to state assurance fund is being removed since Iowa’s Underground Storage Tank Fund no longer issues insurance.

An added rule provision requires providers of financial responsibility to copy the department when notice of termination of coverage is sent to tank owners or operators. Existing rules require the owner or operator to notify the department within 60 days after receiving a notice of termination if alternative coverage is not obtained. The department has yet to be notified by an owner or operator of financial responsibility termination. Reliance on receiving a notice from the owner or operator as proven to be ineffective in enforcing and monitoring maintenance of financial responsibility. These owners and operators have continued to operate the tanks without coverage.

The amendments only require providers to copy the department and are not intended to condition the effectiveness of the termination of or failure to renew coverage.

(A copy of the Proposed Rule is available in the Department's Record Center)

She said this rule change is deleting the compliance dates to meet the financial responsibility requirements as those dates have passed, and any reference to the State Assurance Fund because the Underground Storage Tank Fund no longer issues insurance. It adds a provision to require automatic notification to the Department when providers for financial responsibility terminate coverage to a tank owner or operator.

INFORMATION ONLY

PROPOSED RULE – CHAPTER 61A WATER QUALITY ASSESSMENTS (NEW RULE – QUALIFIED VOLUNTEERS)

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided copies of proposed rules that will establish requirements for persons to become “qualified volunteers” for the purpose of providing water quality monitoring data that can be used by the Department in assessing whether water bodies meet state water quality standards.

The 2000 General Assembly passed legislation (SF 2371) that, among other things, established a “credible data” requirement for developing Section 303(d) lists of impaired waters and various other water quality activities. The credible data legislation, now codified at Iowa Code Sections 455B.171 and 455B.193 – 195:

- defines credible data as scientifically valid data collected under scientifically accepted sampling plans, including quality assurance and quality control procedures;
- stipulates that data is not credible data unless it originates from studies and samples collected by the Department and its “professional designees” or from qualified volunteers;
- requires the review and approval of all data provided by a qualified volunteer as well as the volunteer monitoring plan before the volunteer data can be considered credible data; and
- requires the Department to adopt rules to establish requirements for a person to become a qualified volunteer.

The expertise needed to produce scientifically valid data can vary significantly depending on the type of monitoring and other factors such as detection and quantification limits for chemical analyses. For instance, the type of training needed for biological monitoring is different than that needed for collecting samples for measuring fecal coliform or *E. coli* bacteria. Similarly, the sample collection protocol for mercury analysis is much more critical and sensitive than some other chemical or physical parameters such as dissolved oxygen or pH. Defining the necessary levels of training, knowledge, and experience for the whole range of water quality parameters would be difficult at best. For that reason, the proposed rules will take the approach of defining “qualified volunteer” in general terms and concentrate on the process of reviewing the volunteer monitoring plan and submitted data, including quality assurance and quality control procedures, to insure that the monitoring data is, in fact, scientifically valid data.

(A copy of the Proposed Rule is available in the Department’s Record Center)

Mike Valde said the statute was passed in 2000 that required credible data be used when the Department designates water bodies as impaired. It also provided that the Department should adopt rules that defined a qualified volunteer. These rules establish a quality control plan that volunteers must submit in order for their data to be considered credible.

INFORMATION ONLY

PROPOSED RULE – CHAPTER 61 WATER QUALITY STANDARDS (REVISIONS AND SECTION 404 PERMITS)

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be presented with proposed changes to the state’s water quality standards (WQS) and standards implementation procedures. The rule amendments as proposed would:

1. establish a new process for deriving water quality based effluent limits for point sources such municipal wastewater treatment plants;
2. provide new or changed numerical criteria for bromoform, chlorodibromomethane, chloroform, dichlorobromomethane, endrin, and chlorobenzene and eliminate the criteria for monochlorobenzene (monocholorbenzene is the same compound as chlorobenzene); and
3. provide Section 401 certification for Corps of Engineers’ Section 404 nationwide and regional permits.

Items 1 and 2 are part of an ongoing comprehensive review of the state’s water quality standards while item 3 is required to address the Corps’ recent actions to reissue general Section 404 permits.

The proposed change in the standards-to-permit derivation procedure is the result of two consultants’ reviews of the existing procedure and the Iowa Water Pollution Control Association’s concerns that the existing procedure produces overly conservative (too stringent) permit limits for some facilities. The consultants’ reviews showed the existing process, although

developed in consultation with EPA staff and a stakeholder group over a decade ago, is not consistent with more recent EPA guidance. The proposed procedure also differs from EPA guidance but has been reviewed by EPA headquarters and regional staff and has general concurrence from EPA staff and the IWPCA. The derivation procedure is contained in a rule-referenced document, *Supporting Document for Iowa Water Quality Management Plans*, and this document will be modified and the rules will reflect the date of the revised document. Such implementation procedures are not water quality standards *per se* and do not require EPA approval, but the proposed changes are being made as part of the comprehensive standards review.

The changes to the numeric standards are being proposed to address new information and to correct some values that the EPA disapproved in their 1998 review of Iowa's standards.

The re-certification of the Corps nationwide permits and one regional permit for Iowa is needed before those general permits are in force in Iowa. Under Section 401 of the Clean Water Act, a state water quality agency must certify a proposed activity will not violate state water quality standards before the Corps can issue a Section 404 permit. The Corps is authorized to issue general permits on a state, regional or nationwide basis for categories of activities where such activities will have minimal adverse effects and has used this permit authority to issue a number of general permits. General permits, including nationwide permits, can be issued for a period not exceeding five years. The Corps recently issued a notice of intent to reissue the existing NWP's, with some changes to the permits' General Conditions and definitions and is proposing to re-issue a regional permit authorizing bridge and roadway work. The proposed rule changes would provide Section 401 certification for the reissued nationwide and regional permits.

(A copy of the Proposed Rule is available in the Department's Record Center)

Mike Valde briefed the Commission on the history of this rulemaking.

Susan Heathcote (Chapter 61 Water Quality Standards)

Susan Heathcote from Iowa Environmental Council said she served on the technical advisory committee working on the water quality standards. There were some concerns about moving forward with the permit derivation changes. From the information provided to them, it appears this process would allow a significant increase in the level of discharge of ammonia and EPA recommendations for permit derivations are stricter than this proposed process.

Steve Veysey (Chapter 61 Water Quality Standards)

Steve Veysey with Hawkeye Fly Fishing Association said Policy Statement in the first paragraph of Chapter 61 states, "It shall be the policy of the Commission to protect and enhance the quality of all the waters of the state. In the furtherance of this policy it will attempt to prevent and abate the pollution of all waters to the fullest extent possible consistent with statutory and technological limitations." He distributed a summary of data provided to the technical advisory committee by the Department consisting of current effluent limits for three permits as well as what those effluent limits would be under the new permit derivation process. He said it was his

opinion that this data represented a great deal of backsliding. The Clean Water Act is a national goal with fifty separate state implementations, which allows states flexibility and opportunity but also some responsibility. The drafters of the Clean Water Act recognized that there needed to be two key components the first is antidegradation. If you have high quality waters, you are supposed to protect those high quality waters. The second is no backsliding. He said Iowa is asking farmers and agribusinesses to watch every ounce of nutrient they put on the land but at the same time Iowa is about to increase the discharge limits of the industrial and municipal facilities by up to 300%.

(A copy of the summary of data is available in the Department's Record Center.)

Mike Valde said the Department first sets the water quality standards to define what the water body is to support. The next step is to define what limit of nutrients can be in the water without affecting the living organisms. Under the new process the ammonia standards have become much more complicated based on the species in the stream, the critical life stage of the species in the stream, and the time of the year the discharge is taking place and a lot of others factors. The objective is clearly still to protect and be protective of the water quality standards.

Jack Riessen said the concept is not to create toxic conditions in the receiving stream. The Iowa Water Pollution Control Association came before the Commission a few years ago saying that the current process used in Iowa creates more stringent limits than what is needed to protect against chronic or acute toxicity. EPA has a technical guidance manual and the Department initially proposed to change it according to their recommendations and from there a compromise was reached that EPA has agreed to. He said Mr. Veysey is correct by saying that in some cases it will allow municipal facilities to discharge more ammonia. In three or four years there will be very strict nutrient limits which will start tying back to looking at the total nutrient load being discharged. This change is simply designed to address in-stream toxics where they are putting their waste effluent. He said if this process is not approved the Department still has to develop a scientifically defensible system that has not been arbitrarily set.

INFORMATION ONLY

PROPOSED RULE – CHAPTER 22, CONTROLLING POLLUTION (MINIMUM TITLE V FEE)

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached draft Notice of Intended Action to amend Chapter 22, "Controlling Pollution" 567 Iowa Administrative Code.

The purpose of this rulemaking is to set a minimum Title V fee of \$1,000 based on a task force recommendation. The Department created the task force to address a request by business and industry to consider options for restructuring the Title V fee. The Department facilitated four meetings with 10 representative Title V facilities to evaluate possible alternatives to the current fee structure. After discussing many alternatives, the task force decided to go forward with a minimum annual fee of \$1,000. The task force felt that all facilities should pay a minimum fee

for the basic services Title V facilities receive from the Department. This minimum fee is not a new fee, but simply a reallocation of the current fee structure. The Department will not receive additional funds from this change to the fee structure.

(A copy of the Proposed Rule is available in the Department's Record Center.)

Mike Valde reviewed the current process for assessing the Title V fees. He said some of the Title V Fee payers asked the Department to look at the structure of the fees. The Department convened a task force of about 10 Title V fee payers who reached a consensus to propose a rule change that would have minimum fee of \$1,000.00 per year. The result of this change would be revenue neutral to the Department because the fees would be adjusted so that no additional monies would be collected. Those who pay the higher amounts would be allowed to pay less and those paying below \$1,000.00 per year would pay more.

Gary Priebe said he thought when the fees were originally established they were set so that the small companies didn't have to pay high fees.

Mike Valde said the rational behind this proposal is that some companies are not paying their fair share because their fees are so low that they are not paying the cost of their part of the program.

INFORMATION ONLY

MONTHLY REPORTS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

PROPOSAL	NOTICE TO COMM.	NOTICE PUBLISHED	ARC#	RULES REVIEW COMMITTEE	HEARING	COMMENT PERIOD	SUMMARY TO COMM.	FINAL RULES ADOPTED	RULES PUBLISHED	ARC#	RULES REVIEW COMMITTEE	RULE EFFECTIVE
1. Ch. 1, 9 and 11 – EPC Quorum Voting Requirements	9/17/01	10/17/01	1020B	11/13/01	11/08/01	11/19/01	*12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
2. Ch. 20, 22 – Air Quality Rules	5/21/01	6/13/01	0736B	7/10/01	7/19/01	7/27/01	*12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
3. Ch. 20, 22, 23, and 25 – Air Quality Updates, Revisions and Additions	11/19/01	*12/12/01		*1/08/02			*2/18/02	*2/18/02	*3/11/02		*4/09/02	*4/16/02
4. Ch. 22 – Exempt Small Emission Units and Indoor Sources from Construction Permitting	9/17/01	10/17/01	1024B	11/13/01	*11/26/01	*11/30/01	*12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
5. Ch. 22 – Revised Deadline for Timely Submittal of Title V	9/17/01	10/17/01	1021B	11/13/01	11/15/01	11/30/01	*12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02

Permits												
6. Ch. 22 - Controlling Pollution - Maximum Title V Fee	*12/17/01	*1/09/02		*2/04/02			*3/18/02	*3/18/02	*4/08/02		*5/07/02	*5/14/02
7. Ch. 44, 92 & 93 - State Revolving Funds for Drinking Water, Wastewater and On-Site Systems	10/22/01	11/14/01		*12/03/01	*12/04/01	*12/04/01	*1/22/02	*1/22/02	*2/09/02		*3/04/02	*3/13/02
8. Ch. 44, 92 & 93 - State Revolving Funds for Drinking Water, Wastewater and On-Site Systems							10/22/02	10/22/02	*11/14/02			10/26/01
9. Ch. 61 - WQ Standards - Section 404 Permits	*12/17/01	*1/09/02		*2/04/02			*3/18/02	*3/18/02	*4/08/02		*5/07/02	*5/14/02
10. Ch. 61A - WQ Assessment - Qualified Volunteers	*12/17/01	*1/09/02		*2/04/02			*3/18/02	*3/18/02	*4/08/02		*5/07/02	*5/14/02
11. Ch. 65 - Pre-Construction Manure Management Plan Requirements	8/20/01	9/19/01	0938B	10/02/01	10/17/01	10/17/01	*12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
12. Ch. 107 - Beverage Container Deposits	*12/17/01	*1/09/02		*2/04/02			*3/18/02	*3/18/02	*4/08/02		*5/07/02	*5/14/02
13. Ch. 109 - Special Waste Authorizations	11/19/01	*12/12/01		*1/08/02			*2/18/02	*2/18/02	*3/11/02		*4/09/02	*4/16/02
14. Ch. 111 - Financial Assurance Requirements for Municipal SW Landfills	*12/17/01	*1/09/02		*2/04/02			*3/18/02	*3/18/02	*4/08/02		*5/07/02	*5/14/02
15. Ch. 118 - Removal of Disposal of PCBs from Appliances Prior to Processing	4/16/01	5/16/01	0668B	6/05/01	6/05/01	6/05/01	11/19/01	*11/19/01	*12/12/01		*1/08/02	*1/16/02
16. Ch. 119, 144, 210, 211, 212 & 214 - Waste Management Asst. Division Rule Revisions	9/17/01	10/17/01	1022B	11/13/01	*11/27/01	*11/27/01	*12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
17. Ch. 132 - Transportation of Radioactive Materials In Iowa	10/22/01	*11/14/01		*12/03/01		*12/04/01	*1/22/01	*1/22/01	*2/09/02		*3/04/02	*3/13/02
18. Ch. 134 - Certification of Groundwater Professionals	9/17/01	10/17/01	1023B	11/13/01	11/06/01	11/09/01	*12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
19. Ch. 135 - Technical Standards and Corrective Action Requirements for Owners/Operators of USTs	9/17/01	10/17/01	1019B	11/13/01	11/06/01	11/09/01	*12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
20. Ch. 136 - Financial Responsibility for USTs	*12/17/01	*1/09/02		*2/04/02			*3/18/02	*3/18/02	*4/02/02		*5/07/02	*5/14/02

Monthly Variance Report

November, 2001

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Cargill, Inc.-Eddyville	Air Quality		Permit Requirements	Approved	10/22/01
2	Pella Corporation-Pella	Air Quality		Permit Requirements	Approved	10/01/01
3	Harvester Golf Club Subdivision-Aerated Lagoon-Marshall County	Wastewater Construction	Garden Associates	& Curtain Wall	Approved	10/15/01
4	Cedar Rapids, City of-Council Street Bridge	Flood Plain	Howard R. Green Company	Freeboard	Approved	10/15/01
5	Fairfield, City of-Pedestrian Trail Bridge over Crow Creek	Flood Plain	C.William Matkin	Freeboard	Approved	10/04/01

6	Ida County-Maple River Low Water Crossing Bridge	Flood Plain	Calhoun-Burns Engineering	Freeboard	Approved	10/15/01
7	Union Pacific Railroad Company-Linn County-Clinton Subdivision Bridge over Cedar River	Flood Plain	Parsons Engineering Science	Freeboard	Approved	10/22/01
8	Mason City, City of	Wastewater Operation		Monitoring Frequency	Approved	10/23/01
9	Panora, City of	Wastewater Operation	James McElvogue, Wastewater Operator	Monitoring Frequency	Approved	10/05/01
10	Pella, City of	Wastewater Operation		Monitoring Frequency	Approved	10/29/01
11	Lehigh Portland Cement Company-Mason City	Solid Waste	BARR Engineering Company	Leachate-(Daily Cover)	Approved	10/05/01
12	Lehigh Portland Cement Company-Mason City	Solid Waste	BARR Engineering Company	Gas Control	Approved	10/05/01
13	Lehigh Portland Cement Company-Mason City	Solid Waste	BARR Engineering Company	Leachate-(Cover Slope)	Approved	10/05/01
14	Lehigh Portland Cement Company-Mason City	Solid Waste	BARR Engineering Company	Leachate-(Weekly Cover)	Approved	10/11/01
15	Lehigh Portland Cement Company-Mason City	Solid Waste	BARR Engineering Company	Groundwater Monitoring	Denied	10/11/01
16	Shawver Well Co., Inc.-(Well Casing)-Fredericksburg	Watersupply Construction		Construction Materials	Approved	09/17/01
17	Shawver Well Co.,Inc.-(Thinner Well Casing)-Fredericksburg	Watersupply Construction		Construction Materials	Approved	09/17/01

During the period October 1, 2001, through October 31, 2001, 70 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Substance					Mode				
	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	70 (60)	8 (3)	49 (42)	13 (14)	28 (22)	35 (32)	1 (0)	0 (1)	2 (1)	4 (4)
November	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
December	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)

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April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	70 (60)	8 (3)	49 (42)	13 (14)	28 (22)	35 (32)	1 (0)	0 (1)	2 (1)	4 (4)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
15	9	10	7	18	11

* The "Other" column includes the categories from the database of – Dumping, Fire, Theft, Vandalism, Unknown and Other

During the period October 1, 2001, through October 31, 2001, 3 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	3 (5)	0 (0)	1 (2)	2 (2)	0 (1)	3 (4)	0 (1)	0 (0)	0 (0)	2 (1)
November	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
December	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	3 (5)	0 (0)	1 (2)	2 (2)	0 (0)	3 (4)	0 (1)	0 (0)	0 (0)	2 (1)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
1	1	0	1	0	0

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
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Alliant Energy Corporation d/b/a Alliant Transportation Cedar Rapids (5)	Air Quality	Fugitive Dust	Consent Amendment	10/04/01
Iowa Coaches, Inc.; David Sherman, Dubuque (1)	Underground Tank	Site Assessment	Order/Penalty \$3,960	10/15/01
Sir Fredericks, Inc.; Fred Scherle, Ankeny (5)	Underground Tank	Site Assessment	Order/Penalty \$2,280	10/15/01
John Flood, Wayne Co. (5)	Animal Feeding Operation	Failure to Empty Discontinued Facility	Order/Penalty \$1,000	10/15/01
Finney Industrial Painting, Inc., Fairfield (6)	Air Quality	Construction Without Permit	Order/Penalty \$2,500	10/15/01
Riceville, City of (1)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$1,000	10/15/01
Feeders Grain and Supply, Inc.; James Curtis and Carolyn Curtis, Corning (4)	Wastewater Hazardous Condition	Prohibited Discharge; Remedial Action	Order/Penalty \$6,000	10/18/01
Allison Ag Center, Butler Co. (2)	Wastewater Hazardous Condition	Prohibited Discharge; Water Quality Violations – General Criteria; Failure to Notify	Order/Penalty \$3,000	10/15/01
LeMars, City of (3)	Wastewater	Discharge limits; Operational Violations; Pretreatment	Order/Penalty \$10,000	10/15/01
Clearfield Community High School, Clearfield (4)	Wastewater	Prohibited Discharge	Order/Penalty \$1,000	10/15/01
Clearfield, City of (4)	Wastewater	Monitoring/Reporting; Compliance Schedule; Discharge Limits; Operational Violations	Order/Penalty \$3,500	10/15/01
Neola, City of (4)	Wastewater	Compliance Schedule; Discharge Limits	Order	10/15/01
Dallas County Care Facility, Adel (5)	Wastewater	Discharge Limits; Operational Violations	Order/Penalty \$5,000	10/15/01
Kiefer Built, Inc., Kanawha (2)	Air Quality	Construction Without Permit	Consent Amendment	10/15/01
Northwest Iowa Area Solid Waste Agency, Sheldon (3)	Solid Waste	Comprehensive Planning Violation	Consent Amendment	10/23/01
Dan Fox d/b/a Modern Manure Hauling, Audubon Co. (4)	Animal Feeding Operation	Uncertified Applicator; License Discipline	Order/Penalty \$300	10/30/01
Fairlawn Farms, Inc., Jones Co. (1)	Animal Feeding Operation	Prohibited Discharge – Confinement; Water Quality Violations – General Criteria	Order/Penalty \$3,000	10/30/01
Dave Kabel, Cedar Co. (6)	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report a Release	Order/Penalty \$2,000	10/30/01
Advanced Component Technologies, Northwood (2)	Air Quality	Construction Contrary to Permit	Order/Penalty \$5,000	10/30/01
Charles Hagedorn d/b/a Hagedorn Construction, Dickens (3)	Air Quality	Open Burning	Consent Amendment	10/30/01

The following administrative penalties are due:

Name and Location	Program	Amount	Due Date
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Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
* Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
* Minifarm Acres, Inc. (Cedar Co.)	WS	375	1-29-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Steve Friesth (Webster Co.)	AQ/SW	4,000	6-05-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00
* Rimade, Inc. (Manning)	SW/WW	1,000	8-01-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Coralville Lake Terrace Assoc. (Johnson Co.)	WS	1,500	9-05-00
John Smith d/b/a Four-Corners Tap (Lockridge)	AQ/SW	1,000	9-24-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
American Legion – Swisher Post #671 (Swisher)	WS	500	12-25-00
Sac City, City of	WW	2,400	1-01-01
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
* Robert Simon (Dubuque Co.)	AQ/SW	1,600	3-02-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
* Lorene Logue (Lucas Co.)	AQ/SW	125	3-15-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
Max Dalhauser (West Bend)	UT	670	5-15-01
##*Neal Anthony d/b/a Anthony's Trucking (LeMars)	AFO	1,200	6-05-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
* Seven Ponds Park (Sperry)	WS	100	6-15-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
Metro Wrecking d/b/a Metro Wrecking & Excavating (Clive)	AQ	6,000	7-18-01
T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly)	AQ	2,000	7-28-01
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	1,000	8-04-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
Ward Land Development LLC; WBD, Inc.; W. David Ward	WW/FP	2,500	8-14-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Kay Enterprises, Inc. (Janesville)	AQ	5,000	9-03-01
*#Roger Bockes, et. al. (Tama Co.)	AFO	2,000	9-15-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Carpenter Bar & Grill (Carpenter)	WS	100	9-28-01
Minnesota Rubber Company (Mason City)	AQ	3,000	9-30-01
* R.V. Hopkins, Inc. (Davenport)	AQ	Int.	10-01-01
* Michael Roberts (Page Co.)	AQ	75	10-15-01
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	4,000	10-27-01
Louisa County Regional Solid Waste Agency	SW	1,250	10-27-01
* Kiefer Built, Inc. (Kanawha)	AQ	10,000	10-30-01
# Dan Gotto (Dubuque Co.)	AFO	3,000	11-01-01
# Empire Land and Cattle Co. (Crawford Co.)	AFO	3,000	11-09-01
U.S. Petro, Inc.; Sam Singh (Bettendorf)	UT	14,000	11-16-01
Martin Marietta Materials, Inc. (Webster Co.) (SEP)	SW	17,500	11-17-01
* Fred Konfrst d/b/a Fred's Trash Service (Mills Co.)	AQ/SW	1,500	11-21-01
Quality Mat Co., Inc. (Waterloo)	AQ	8,500	12-01-01
Bulk Petroleum Corp.; Break Point Stores #537 (Bondurant)	UT	1,000	12-02-01
Bulk Petroleum Corp.; Four Mile Texaco #536 (Des Moines)	UT	1,000	12-02-01

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Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
Finney Industrial Painting, Inc. (Fairfield)	AQ	2,500	12-21-01
Riceville, City of	AQ/SW	1,000	12-21-01
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280	12-21-01
Allison Ag Center (Butler Co.)	WW/HC	3,000	12-22-01
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000	12-22-01
Dallas County Care Facility (Adel)	WW	5,000	12-23-01
Clearfield Community School District (Clearfield)	WW	1,000	12-23-01
Clearfield, City of	WW	3,500	12-23-01
Independence Mobile Home Park (Independence)	WS	800	----
Deer Ridge Estates (Ottumwa)	WS	100	----
PM Beef Group, LLC (Hartley) SEP	WW	4,380	----
Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960	----
LeMars, City of	WW	10,000	----
Advanced Component Technologies (Northwood)	AQ	5,000	----
# Fairlawn Farms, Inc. (Jones Co.)	AFO	3,000	----
# Dave Kabel; Frank & Darlene Kabel (Cedar Co.)	AFO	2,000	----
# Dan Fox d/b/a Modern Manure Handling (Audubon Co.)	AFO	300	----
TOTAL		262,490	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/W	3,000	11-04-98
Jim Walker (Johnson Co.)	W		
Iowa Millenium Investors, LLC (Sumner)	AQ/SW	3,000	2-14-99
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	4,000	10-12-99
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	UT	10,000	
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	AQ/SW	1,000	7-01-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW	5,000	1-23-00
* Lester Holmes; Todd Holmes (Lucas County)	SW/WW	10,000	5-26-00
	AQ	4,000	10-15-00

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James Harter (Fairfield)	WW	1,800	1-29-00
# Rustad Farms, Inc. (Butler Co.)	AFO	3,000	10-06-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
10 th Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Winter Mobile Home Park (New Hampton)	WS	2,500	11-19-00
Winter Mobile Home Park (New Hampton)	WS	1,000	6-13-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Osterdock Store (Guttenberg)	WS	500	10-16-00
West Liberty, City of	WW	5,000	
TOTAL		173,354	

The following administrative penalties have been appealed:

Name and Location	Program	Amount
Frank Hulshizer (Benton Co.)	SW	500
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Titan Wheel International, Inc. (Walcott)	WW	10,000
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Clarence, City of	WW	3,000
Dallas County Care Facility (Adel)	WW	2,500
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Lonnie King (Marion Co.)	AQ/SW	1,600
Dayton, City of	WW	10,000
# Peter Bockenstedt (Dubuque Co.)	AFO	3,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffery Intlekofer (Ft. Madison)	AQ	10,000
# Eugene P. Reed, Ltd. (Henry Co.)	AFO	1,500
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
# Robert Fisher (Hamilton Co.)	AFO	3,000
Rocky Knoll Mobile Home Park (Forest City)	WS	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Leonard Rayonds; Randy Schleusner (Hancock Co.)	AFO	3,000
Benefit Water District #2 (Boone Co.)	WS	2,500
Minsa Corporation (Red Oak)	WW	10,000
Dennis Severson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500
Bruening Rock Products, Inc. (Decorah)	WW	8,000
New Virginia Sanitary District (New Virginia)	WW	5,000
LT Tap (Waucoma)	WS	500
Minnesota Mining and Manufacturing d/b/a 3M (Knoxville)	AQ	1,000
# Leo Pieper (Guthrie Co.)	AFO	2,500
Boondocks Truck Haven (Williams)	WS	2,750
# Dan Witt (Clinton Co.)	AFO	3,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
AGP Grain Cooperative (Klemme)	AQ	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
Brecht Enterprises, Inc. (Iowa Co.)	AQ/SW	4,000
The Farmers Co-Operative Society d/b/a Wesley Coop	AQ	5,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Dodgen Industries d/b/a Cabinet Masters, Inc. (Humboldt)	AQ	6,000

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Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
Duane Crees (Muscatine Co.)	AQ/SW	1,160
James Nizzi d/b/a Alice's Spaghettiland (Clive)	WS	3,000
Knox Corporation (Davenport)	UT	6,700
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
Braddyville, City of	WW	3,500
John Saathoff (Grafton)	AQ	500
Don Anderson; Brentwood L.L.C. (Polk Co.)	WW	8,000
# Floyd Kroeze (Butler Co.)	AFO	3,000
Sunnybrook Mobile Home Park (Polk Co.)	WW	5,000
Carter Lake, City of	SW	2,000
Jefferson, City of	WW	5,000
Richard Thompson d/b/a/ Thompson Auto Parts (Story Co.)	WW/SW	1,000
Envirobate Management Services (Johnston)	AQ	3,000
Jefferson, City of	WW	5,000
Onawa Country Club (Onawa)	WS	1,500
James Kitchen d/b/a Kitchen Construction (Howard Co.)	AQ/SW/FP	10,000
Jemco, Inc.; Bud Nelson (Audubon)	UT	3,570
# Burco Farms, Inc. (Buchanan Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Shewry L.P.; Don Shewry (Davenport)	WW	7,500
GMNW Investments, L.L.C. (Hamburg)	WW	5,000
Eagle Investors dba Manson Ampride (Manson)	UT	4,650
Gene Moeller Oil Co. (Fort Dodge)	UT	6,000
Noble Ford Mercury, Inc. (Indianola)	WW	5,000
John Hoth (Tama)	UT	9,250
Dostal Construction, Inc. (Tama Co.)	AQ/SW	4,500
Used Tire Sales & Service (Webster Co.)	SW	10,000
Tama Beef Packing, Inc. (Tama)	WW/SW	1,000
Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines)	UT	1,600
James Clark (Logan)	UT	3,500
Midland Transportation Co. (Marshalltown)	UT	4,460
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790
* Lester Davis (Polk Co.)	AQ	1,080
Long Branch Maintenance Corp. (Earlham)	WW	5,000
ABC Disposal Systems, Inc. (Hiawatha)	SW	5,000
Nevada, City of	UT	5,600
Trajet Products, Inc. (Glenwood)	AQ	10,000
Earlham, City of	WW	10,000
Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama)	UT	10,000
Bob Luke (Washington Co.)	AQ/SW/W	4,000
	W	
Mark Broderick (Dallas Co.)	WW	4,000
Lawrence Korver d/b/a Korver Development (Orange City)	WW	5,000
	TOTAL	432,810

The following administrative penalties were paid last month:

Name and Location	Program	Amount
Casey's General Stores, Inc. (Aplington)	UT	750
Casey's General Stores, Inc. (Waukee)	UT	3,800
Pro Cooperative, Inc. (Gilmore City)	UT	4,800
* Fred Konfrst d/b/a Fred's Trash Service (Mills Co.)	AQ/SW	500
Butler County	AQ	1,000
* Edward Degeus (Britt) PAID IN FULL	AQ	1,000
Northwest Iowa Area Solid Waste Agency (O'Brien Co.)	SW	500
Capitol Oil Co. (Oxford)	UT	2,890
Alliant Energy Corp. d/b/a Alliant Transportation (Williams)	AQ	7,000
* Lester Davis (Polk Co.)	AQ	20

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TOTAL 22,260

The following SEP payments were received:

All-States Quality Foods, L.P. (Charles City) to Floyd CCB	WW	5,000
Hartley, City of to O'Brien CCB	WW	3,000
Doring Corporation (Preston to F&W Fund	WW	6666.67

The \$1,000 penalty assessed Charles Hagedorn d/b/a Hagedorn Construction (Dickens) has been rescinded.

Name, Location, and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
10 th Hole Food & Spirits Calamus	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate	Order/Penalty	Referred Motion for Judgment Hearing	3/19/01 8/20/01 9/05/01
Affordable Removal, Inc.; Jeffrey Intelkofer Iowa City (6)	Asbestos Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment Ruling Denying Motion Trial Date	3/20/00 4/19/00 2/26/01 4/20/01 2/04/02
Affordable Removal, Inc. Jeffrey Intelkofer Iowa City (6)	Asbestos Air Quality	DNR Defendant	Defense	Petition Filed Answer Ruling Defendant's Notice of Appeal	12/28/00 1/18/01 7/09/01 7/30/01
Bierman, Elaine and Kurt d/b/a Osterdock Store Guttenberg (1)	Drinking Water	Monitoring/Reporting – Bacteria; MCL – Bacteria; Public Notice	Order/Penalty	Referred	7/16/01
Castenson, David; Kristi A. Castenson, Barbara June Cummins; Velma Castenson d/b/a B & D Farms Webster Co. (2)	Wastewater	DNR Defendant	Defense	Petition Filed Motion to Strike Answer Petitioner's Motion to Adjudicate Law Points State's Resistance	7/17/00 8/07/00 8/15/00 10/03/00 10/16/00
Crane, John & Frieda d/b/a Hillside Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order	Referred	2/19/01
Holnam Incorporated Mason City (2)	Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Indian Creek Corp. Jasper Co. (5) UPDATED	Animal Feeding Operation	Failure to Retain; Freeboard Violations; Failure to Have Approved MMP	Referred to Attorney General	Referred Petition Filled Motion for Partial Summary Judgment Hearing Ruling Denying Partial Summary Judgment Trial	4/17/00 9/27/00 8/10/01 9/11/01 9/14/01 10/24,25/01
Larson, Daryl Jones Co. (1) UPDATED	Animal Feeding Operation	Freeboard Cleanup Costs	Referred to Attorney General	Referred Petition Filed Answer Motion for Summary Judgment Hearing Ruling (\$80,000 Clean-up Costs) Trial on Liability	5/17/99 11/02/00 12/07/00 7/16/01 8/31/01 9/02/01 11/07/01
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition	4/17/99 6/01/01
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date	8/17/98 11/05/99 10/29/02

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Lindahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	5/21/01
Melsha Tap, Inc. Swisher (6)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; public Notice	Order/Penalty	Referred Admin. Penalty (\$300)	7/16/01 8/02/01
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order/Penalty	Referred	2/19/01
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order)	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00
Sunrise Dairy Farms, LLC Benton Co. (1)	Animal Feeding Operation	Construction Without Permit; Prohibited Discharge; Failure to Report a Release; Failure to Update MMP; Uncertified Applicator; Water Quality Violations	Referred to Attorney General	Referred	8/20/01
Thomas, Donald L. and Barbara S. Linn NEW	Solid Waste	DNR Defendant	Defense	Petition for Judicial Review	9/21/01
West Liberty, City of (6)	Wastewater	Discharge Limits; Operational Violations	Order/Penalty	Referred	7/16/01
White, Robert Jeff White, Dave Dallas Center (5) UPDATED	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Dismissed Without Prejudice Petition Against Dave White Filed Answer Filed Trial Order (Clean-Up and Injunction) Penalty Hearing Order Assessing Civil Penalties (\$10,000)	4/20/98 2/05/99 9/24/99 11/15/99 12/06/99 1/31/01 2/27/01 10/04/01 10/04/01
Williams Pipeline Company LLC Waterloo/Dubuque/Milford (1, 3)	Air Quality	Construction Without Permit	Order	Referred	7/16/01
Winter Mobile Home Park New Hampton (1)	Drinking Water	Operation Without Permit; Monitoring/Reporting – Bacteria	Order/Penalty	Referred	4/16/01
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred Petition Filed Defendant's Motion to Dismiss State's Resistance Denial of Defendant's Motion to Dismiss Motion for Partial Summary Judgment Hearing Order Granting Partial Summary Judgment Notice of Appeal State's Motion to Dismiss Defendant's Motion to Dismiss	1/17/95 8/28/96 12/13/96 3/30/98 9/01/00 9/08/00 9/19/00 11/07/00 2/16/01 4/26/01 5/09/01 6/07/01 6/18/01 6/19/01

State's Resistance	6/20/01
Defendant's Dismissal of Appeal	7/06/01
Order Denying Defendant's Motion to Dismiss	7/20/01
Trial Date	6/11/02

Date Received	Name of Case	F.O.	Action Appealed	Program	Assigned To	Status
11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Tack	Hearing continued pending negotiations. Settlement proposed 8/96. Status report requested from land quality bureau 12/1/99.
6/20/90	Des Moines, City of	5	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97. 12/28/99 – F.O. 5 letter to City regarding resolution of permit issues. 3/6/00 – F.O. 5 met with City concerning permit issues. 2/5/01 – WW drafting new permit. 4/30/01 – WW contacted regarding status of new permit. Draft permit sent for City review and public notice on 4/19/01. 8/01/01 – Dept. permits section contacted concerning status of permit re-issuance. Comments from City on proposed permit have been received. 9/28/01 – Dept. Permit Section contacted regarding status of permit issuance.
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	Closure permit issued 1/10/00. Closure to be completed by 9/1/01.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon completion of clean-up. Clean-up scheduled for 10/01.
4/05/93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff. 2/28/00 – Letter to City attorney regarding setting for hearing. 3/00 – Dept. reviewing City Engineer's submittal. 6/26/01 – Dept. permits section contacted concerning review of information supplied by City engineer. 7/01 – City referred for Admin. Order for wastewater violations.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report. 3/2/00 – Letter to attorney regarding setting appeal for hearing. 3/23/00 – Response received from attorney regarding appeal. 9/18/00 – Meeting with Titan to discuss compliance, treatment agreement and permit. Company requested to submit BMR and Toxic Organic Management Plan. 10/25/00 – Titan staff met with Dept. to discuss Titan's treatment agreement with the City and other issues. 3/27/01 – Revised treatment agreement entered into between Titan and City of Walcott. 5/31/01 – FO contacted regarding appeal resolution.
1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff. Update requested from WW staff. 2/1/00 – Report on compliance requested from FO and WW staff. 2/2/00 – Permit to be issued to facility. 6/29/00 – Status report on permit requested from WW permit staff. 9/00 – Per WW permit staff, company's engineer to submit further information prior to issuance of permit. 4/30/01 – Status report requested from WW section engineer. 5/1/01 – Company engineer needs to provide further information to process permit. Engineer was contacted and agreed to provide requested information. 6/29/01 – Status report on permit issuance requested from Dept. WW engineer. 7/31/01 – Per WW permits section Dept. received modified proposal for land application on 6/20/01. Proposal under review. 8/27/01 – Dept. engineer requested more information. 8/30/01 – Draft permits prepared. 9/17/01 – Per WW Permits Section new site survey conducted. 10/01 – Per WW permits staff company engineer to provide additional

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						information on new land application site.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96. 6/9/00 – Initial remedial measures completed. Final treatment system expected to begin operation by 11/01/01.
6/20/95	Toledo, City of	5	Permit Conditions	WW	Hansen	Dept. letter to facility's engineer regarding resolving appeal. 1/3/00 – Revised WLA and permit limits sent to facility. 1/26/00 – Dept. letter to WW engineer regarding construction schedule to meet revised permit limits. 2/28/00 – Follow-up letter to City regarding construction schedule. 3/20/00 – Response from City attorney with agreement to submit construction schedule by 4/20/00. 4/27/00 – Discussion with City attorney regarding City's schedule. 6/14/00 – Letter received from attorney requesting meeting to discuss compliance schedule. 7/28/00 – Letter to City attorney scheduling meeting for 8/3/00. Letter from City attorney regarding scheduling a meeting. 9/25/00 – Meeting attended by FO5, city attorney and city engineer regarding compliance schedule. City to submit revised schedule by 11/15/00 for submittal of flow study and preliminary engineering report. 11/14/00 – Letter from City Engineer with proposed schedule. 4/1/01 – City to begin work on Plan of Action. 10/31/01 – City to submit Plan of Action to Dept. for review.
7/05/95	Boyer Valley Co.	4	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96. 3/2/00 – Letter to attorney concerning appeal resolution. 3/17/00 – Letter received from company attorney. 5/1/01 – Letter to company attorney regarding settlement. 5/16/01 – Company attorney contacted Dept. to discuss appeal. 6/29/01 – Dept. follow-up letter to company's attorney. 7/20/01- Settlement offer received from company's attorney. 9/28/01 – Counter offer sent to company attorney.
7/10/95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. 4/01 – Received Tier 2.
8/01/95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Placed on state lead. Negotiating penalty.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Tack	Negotiating before filing. Attorneys contacted 2/99. Reassigned 6/1/01/
1/12/96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed. 2/1/00 – Status report on compliance requested from FO 6. 2/2/00 – Dept. to send settlement offer to City. City has returned to compliance. 2/28/00 Settlement offer to City attorney. 3/30/00 – Follow-up letter to attorney. 4/21/00 – Contact by new City attorney. City will consider settlement offer at 5/8/00 City Council meeting and respond by 5/20/00. 5/1/01 – Letter to City attorney regarding settlement. 5/30/01 – Follow-up letter sent to City attorney. 6/22/01 – Per telephone conversation with City attorney, Dept. settlement offer on city council agenda for 7/9/01. 8/1/01 – Letter sent to City attorney. 9/19/01 – Sent to DIA to be set for hearing. 10/11/01 – Set for hearing on 11/27/01.
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Compliance inspection 9/27/00. Satisfactory compliance achieved. Penalty settlement negotiations commenced.
3/11/96	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	4/01 – FO5 inspection. Facility is not in compliance. 6/01 – New order to be issued to facility. 8/30/01 – Awaiting Director's signature on order. 10/15/01 – Order signed by Director and issued.
5/07/96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review. 2/27/99 0 FO contacted regarding appeal resolution. 5/1/01 – FO5 contacted regarding resolution of appeal.
5/16/96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98. 3/13/98 Dept. received proposal from facility engineer. 3/20/98 Dept. review of proposal completed. 8/98 – Letter to Grand Labs

						rejecting their proposal. 9/25/98 letter from Grand Labs regarding settlement. Grand Labs to submit new settlement 3/99. 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff. 2/29/00 – Response received from WQ engineer. Staff reviewing for decision. 8/1/01 – Letter to company concerning resolving remaining issue in appeal. 9/19/01 and 9/25/01 – Per Dept. TC's with company, company will send letter concerning resolution of appeal. 10/5/01 – Response received from company, order review by WW permits staff.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart 8LT593	1	Admin. Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty. Placed on State lead.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	5/1/01 – WW staff contacted regarding resolution of appeal. 7/31/01 – Status report request from WW permits section. 9/28/01 – WW Permits Section contacted regarding resolution of appeal.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close.
10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	Clean-up near completion as of 6/20/00. Pallets 95% ground. Dept. assisting in identifying markets for mulch.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	Informal procedures requested. 2/1/00 – Status report requested of FO 6. 2/02/00 – Report received from FO. 2/28/00 – Letter to attorney to schedule meeting resolving appeal. 2/28/00 – Status report concerning I/I work received. 3/24/00 – Meeting scheduled for 4/14/00 to discuss resolving appeal. 4/14/00 – Met with City attorney and officials concerning appeal. 7/26/00 – Dept. settlement offer drafted/under review by Dept. staff. 3/01 and 4/01 – Enforcement/settlement discussions among Dept. staff. 5/8/01 – Settlement offer sent to City attorney. 5/23/01 – Meeting held to discuss settlement offer. 6/28/01 – Proposed referral concerning NPDES permit violations to be place on July EPC agenda. 7/16/01 – Referral to AG office by EPC.
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Book	8/01 – Letter to facility attorney to see if they want to continue appeal. 9/01 – Attorney is no longer representing Jacobs. Letter to Mr. Jacobs on 9/17/01. Has until 10/15/01 to respond or file will be closed. Mr. Jacobs responded and is working to get a new attorney. He has until 12/01/01 to get new attorney and set up meeting with Dept. or case will be set for hearing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	5/1/01 – Preliminary engineering report approved 3/01; will monitor progress.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	5/18/00 – Notification of imminent transfer to DIA. 7/5/00 - Appellant's attorney requests additional time for expert consultation.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin. Order/Penalty	AQ/SW	Tack	Clean-up satisfactory. Settlement offer made 8/8/00.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	5/1/01 – City progressing on facility improvements. Will monitor for progress.
3/16/99	Des Moines Independent School District – North High School	5	Site Registry	HC	Tack	Settlement letter sent by solid waste section 12/20/99.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Settlement close.

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3/23/99	Daniel J. Gotto	1	Admin. Order/Penalty	AFO	Clark	8/2/01 – Settlement letter sent. Settlement payment due 11/1/01.
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settled. Paying penalty on payment plan. 8/01 – Penalty payment renegotiated – lump sum settlement due 10/15/01.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Settlement close.
7/27/99	Affordable Asbestos Removal; Jeffrey Intlekofer	6	Admin. Order/Penalty	AQ	Book	Hearing held 4/28/00. Judgment for DNR Appeal filed. Awaiting transcripts and briefing schedule. Initial brief due 9/25/00. Scheduled to go before November EPC meeting. 11/20/00 - EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Record forwarded to Linn County Court and case given to the Attorney General. Judicial review briefs have been filed. Linn County District Court issued ruling and affirmed in part, remanded in part. Affordable has filed an appeal to the Supreme Court on the ruling. AG will be handling appeal to Supreme Court. 8/01 - Company filed a motion to stay Supreme Court portion until the ALJ rules on the remanded portion. Waiting for the Court's ruling on the motion.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Settlement close.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	6/29/01 – New MCL violations; letter sent regarding resolution. 8/30/01 – No response. Set for hearing 11/26/01.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
11/10/99	Michael L. Roberts	4	Admin. Order/Penalty	AQ	Tack	Settled. \$750 payment plan. \$75 per month beginning 1/15/01. Payments are on schedule.
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating. Requested guidance from EPA. Deadline 6/01/01. 6/29/01 – Awaiting EPA response. Meeting set for 9/20/01.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Compliance nearly completed. Penalty negotiations to begin upon compliance.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating. Requested guidance from EPA. Deadline 6/01/01. 6/29/01 – Awaiting EPA response. Meeting set for 9/20/01.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/10/99	Leonard Rayhons; Randy Schleusner	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/17/99	Edward Degeus	2	Admin. Order/Penalty	AQ	Book	Settled. Consent amendment issued. Penalty payment schedule established and on schedule. 7/28/01 – FO letter regarding remaining penalty. Party given until 8/15/01 to respond. No response to date. Second letter to attorney regarding remaining portion of the penalty. 9/01/01 – Deadline of 10/21/01 to pay remainder of penalty or case will be turned over to AG for collection. 10/01 – Remainder of penalty paid. Case closed.
1/20/00	New Virginia Sanitary Sewer District	5	Admin. Order	WW	Murphy	5/31/01 – Facility upgrade is proceeding; will monitor progress.

2/07/00	Benefit Water District #2	5	Admin. Order/Penalty	WS	Murphy	7/9/01 – Letter sent regarding settlement.
2/22/00	MINSIA Corporation	4	Admin. Order/Penalty	WW	Murphy	5/31/01 – Permit close to being issued; penalty settlement will be discussed at that time. 10/24/01 – Settlement proposal.
3/02/00	Dennis Severson d/b/a Huxley Dry Cleaners	5	Admin. Order/Penalty	AQ	Preziosi	Hearing held 7/17/01. ALJ decision dated 8/1/01 upheld order..
3/21/00	Bruening Rock Products, Inc.	1	Admin. Order/Penalty	WW	Clark	10/23/01 – Settlement acceptance letter from Bruening.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/21/00	LT Tap	1	Admin. Order/Penalty	WS	Clark	Negotiating before filing.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	City to file appeal of final NPDES permit. Prior notice of appeal was in response to draft permit. 10/4/00 – Informal meeting scheduled with city officials to discuss permit issues. Dept. staff discussing how to proceed. 1/31/01 – City Engr to submit preliminary engineering report. 2/28/01 – Dept. received City's preliminary engineering report. 3/2/01 – Dept. letter requesting a schedule G be submitted to complete the report. 3/7/01 – Incomplete schedule G submitted. 3/8/01 – Dept. letter of comments and request that schedule G be resubmitted with required information. 3/9/01 – Revised schedule G submitted. 4/30/01 – WW permit section engineer completed review of revised preliminary engineering report and drafted comment letter. 5/1/01 – Comment letter sent to City by Dept. engineer concerning review of preliminary engineering report. 6/29/01 – Status report requested from WW permits engineer and WS section engineer. 7/5/01 – Response received from City engineer on Dept. letter on revised facility plan. 9/28/01 – Status report requested from WW Permits Section. 10/26/01 – Update from Dept. engr. regarding status of City's project.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order/Penalty	SW/HC	Tack	District court ordered clean-up underway. Third party clean-up of site started 2/23/01. Final clean-up to be completed after thaw.
5/10/00	3M Company	5	Admin. Order/Penalty	AQ	Preziosi	Negotiations continue.
6/06/00	Alliant Energy	5	Admin. Order/Penalty	AQ	Preziosi	Settled. \$7,000 penalty paid 10/25/01. Case closed.
6/08/00	Leo Pieper	4	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Book	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. Facility will sign a consent order regarding payment. Expect signature by mid-August. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. 9/01 – Everything signed – facility on payment schedule. First payment is due 12/01.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
8/02/00	Wacker Biochem Corp.	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Construction permit application on file. Responsible part is working with WW section to achieve compliance. Penalty to be negotiated after compliance is achieved.
8/11/00	Kiefer Built	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.

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9/27/00	Brecht Enterprises, Inc.	6	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer made to former attorney on 11/30/00. Offer renewed 5/2/01 directly to responsible party. New attorney retained by responsible party. Settlement negotiations resumed.
9/27/00	Farmers Cooperative Society (Titonka)	2	Admin. Order Penalty	AQ	Preziosi	Negotiating before filing.
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	Hearing continued. 5/31/01 – Preliminary engineering report submitted.
10/03/00	Casey's General Store (Waukee)	5	Admin. Order/Penalty	UT	Wornson	10/08/01 – Penalty received. Closed.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Meeting held 6/19/01. Negotiations continue.
10/05/00	Sylvan Acres	1	Admin. Order	WS	Hansen	10/30/00 – Call received from representative of WS concerning installation of required chlorination equipment on two wells at WS until their connection to rural water. Specifics of WS's return to compliance under discussion between WS representatives, FO 1 and Dept. WS section. 2/17/01 – WS to draft new permit to allow use of temporary pellet chlorinators until rural water becomes available. 5/1/01 – Permit status requested from WS section. 6/15/01 – Letter sent regarding appeal resolution. 7/6/01 – Letter sent by WS requesting that appeal be held in abeyance pending completion of connection to another water supply. 8/30/01 – Dept. letter to WS agreeing to hold appeal in abeyance until WS connected to alternate water source. Status report requested of WS regarding progress of connection to another source. 9/20/01 – Status report received from WS. Connection to new source to be completed 12/01.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	Dodgen Industries, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Meeting held 6/01. Settlement close.
10/06/00	Duane Crees	6	Admin. Order/Penalty	AQ/SW	Tack	Settled. Penalty payment due 12/31/01.
10/20/00	AGP, Ag Processing	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/17/00	Swisher American Legion - #671	6	Admin. Order/Penalty	WS	Tack	Compliance to be reviewed through 10/01. Penalty negotiations to begin after review. 9/01 – Remedial measures completed. Additional testing under way.
11/17/00	James Nizzi d/b/a Alice's Spaghettiland	5	Admin. Order/Penalty	WS	Hansen	Settlement conference held 1/17/01. Settlement offer drafted. 2/14/01 – WS completed public notice of violations. 5/1/01 – Settlement offer discussed with attorney for WS. 5/22/01 – Counter offer by WS discussed with attorney. Letter to follow confirming discussion. 6/15/01 – Letter received from WS attorney regarding re-connection to Clive system. 8/31/01 – Follow-up to check on status of connection to alternate water source. 9/27/01 – Work to be done by City of Clive in 10/01. 10/31/01 – Per City of Clive, work begun on city water main to area of WS.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Hearing set for 11/7/01.
11/21/00	Knox Corporation	6	Admin. Order/Penalty	UT	Wornson	Settled. Awaiting penalty payment.
11/22/00	Fansteel-Wellman Dynamics	4	Permit Conditions	SW	Tack	Partial compliance achieved. Hearing to be continued to allow completion of settlement negotiations.
11/28/00	AGP Ag Processing (Emmetsburg)	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	Mediation conducted 3/1/01. Compliance proposal submitted 4/2/01. Preliminary engineering report submitted 5/31/01.

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12/05/00	Braddyville, City of	6	Admin. Order/Penalty	WW	Hansen	4/30/01 – FO4 contacted regarding appeal and facility compliance with order. 5/10/01 – Sent to DIA to be set for hearing. 6/27/01 – Meeting with City officials and attorney regarding settlement. 7/17/01 – FO 4 letter to City giving City until late 10/01 to further comply with order. 7/23/01 – Conference call with ALJ. Hearing rescheduled for 11/30/01. Petition due 11/5/01. 8/8/01 – FO4 letter to City concerning necessary operation and maintenance to return to compliance. 10/17/01 – FO4 letter to City regarding status of compliance with order.
12/12/00	Keokuk Landfill, Inc. and Keokuk Contractors, Inc.	6	Admin. Order	SW	Tack	Hearing continued to 10/29/01.
12/12/00	University of Northern Iowa	1	Permit Modification Denial	AQ	Book	Facility still intends to resubmit the application. Waiting on consultant and other projects.
12/27/01	West Central Cooperative		Permit Denial	AQ	Preziosi	8/30/01 – Settled. Awaiting penalty payment.
1/11/01	Guardian Industries	1	Permit Conditions	AQ	Book	Mtg. held 8/17/01; construction permits currently reviewing additional information that has been submitted.
2/05/01	Fred Konfrst	4	Admin. Order/Penalty	AQ/SW	Tack	Compliance achieved. Penalty settled for \$2,500 to be paid in 5 payments. First penalty payment received.
2/21/01	John Saathoff	2	Admin. Order/Penalty	AQ	Book	FO reports that site is in process of being cleaned up. Unable to locate Mr. Saathoff to discuss penalty. Letter sent. He has until 8/31/01 to respond or will request hearing on penalty. He had done some clean-up, some remains. Awaiting his response. He did not receive previous letter so another was sent with new deadline of 9/28/01. Letter was received. Mr. Saathoff's family will work with Dept. to resolve matter.
2/23/01	Don Anderson; Brentwood L.L.C.	5	Admin. Order/Penalty	WW	Murphy	10/19/01 – Settled. Awaiting penalty payment.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/19/01	Sunnybrook Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	5/1/01 – FO5 contacted regarding settlement and compliance with order. 5/11/01 – Letter to City engineer regarding settlement of penalty upon completion of upgrade. 5/21/01 – City engineer letter stating they agree that Dept. could hold appeal in abeyance pending completion of upgrade. 6/01 – Dept. agreement to hold appeal in abeyance pending upgrade of facility.
3/22/01	Kay Enterprises, Inc.	1	Admin. Order/Penalty	AQ	Book	Settled. Facility has signed a consent amendment with reduced penalty. 8/01 - Director's signature received. Awaiting penalty payment. 10/18/01 – Letter sent to facility requesting penalty payment.
3/27/01	Carter Lake, City of	4	Admin. Order/Penalty	SW	Tack	City is reviewing compliance options. Update due to Department 8/22/01.
3/27/01	Bonaparte, City of	6	Permit Conditions	WW	Hansen	3/28/01 – WW permits contacted for information on appeal issues. 5/8/01 – City Clerk and operator contacted concerning appeal. 6/14/01 – City council meeting to consider approval of preliminary plan of action. 7/11/01 – Dept. received preliminary plan of action from City; under review by WW permits section and FO. 8/6/01 – FO6 letter to City requiring submittal of Plan of Action by professional engineer by 1/1/02.
4/04/01	The Woods at Fox Hollow Homeowners Assn.	6	Permit Conditions	WS	Hansen	4/18/01 – Discussion with appellant regarding compliance status of WS and permit appeal. FO6 to meet with appellant. 5/23/01 – WS section supervisor attended meeting with residents to discuss appeal. 6/20/01 – Status report requested from WS section. 7/20/01 – Status report requested from WS section. 7/23/01 – Status report received; appeal still under review by WS section. 8/2/01 – WS section letter to WS regarding appeal. 8/23/01 – Dept. sent follow-up letter to WS regarding appeal and monitoring requirements. 8/23/01 – WS sent letter to WS section stating monitoring would be initiated. WS has begun to monitor but has not completed all required

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						monitoring.
4/10/01	Casey's General Stores (Aplington)	2	Admin. Order/Penalty	UT	Wornson	Settled. Penalty payment received 10/08/01. Closed.
4/13/01	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Negotiating before filing.
4/16/01	Richard Thompson; Thompson Auto Parts	5	Admin. Order/Penalty	SW/WW	Tack	Clean-up underway. Penalty to be reviewed after completion of site clean-up.
4/27/01	Ag Processing Inc.	4	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/01/01	Onawa Country Club and Golf Course	4	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
5/03/01	Harlan Municipal Utilities (Hallett)	4	Water Use Permit	WR	Clark	9/4/01 - Hearing continued indefinitely pending settlement negotiations.
5/04/01	EnviroBate Management Services	5	Admin. Order/Penalty	AQ	Book	9/01 - Agreement reached. Consent amendment sent. Awaiting signed consent amendment and penalty payment. Facility signed and returned consent amendment. Awaiting Director's signature and penalty payment.
5/07/01	James Kitchen; Kitchen Construction	1	Admin. Order/Penalty	SW/AQ/FP	Tack	Settlement offer accepted. \$4,000 due on 11/01/01.
5/08/01	JEMCO; Bud Nelsen	4	Admin. Order/Penalty	UT	Wornson	Compliance initiated. Negotiating penalty.
5/10/01	Hackert's Wood Products, Inc.	6	Permit Denial	FP	Clark	Negotiating before filing.
5/17/01	Plano, City of	5	Admin. Order	WW	Hansen	9/28/01 - Dept. letter to City regarding appeal. 10/10/01 - Response received from Mayor regarding appeal and CDBG pre-application.
5/25/01	Shewry L.P.; Don Shewry	1	Admin. Order/Penalty	WW	Murphy	10/01 - Settlement proposals exchanged.
5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
5/29/01	Burco Farms, Inc.	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
5/30/01	GMNW Investments, L.L.C.	4	Admin. Order/Penalty	WW	Murphy	6/22/01 - Letter sent regarding settlement; compliance visit will be made.
6/13/01	Gene Moeller Oil Co.	2	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
6/18/01	Noble Ford Mercury	5	Admin. Order/Penalty	WW	Hansen	7/19/01 - Letter sent to company regarding appeal. 8/15/01 - Company letter to Dept. agreeing to schedule in the order.
6/19/01	Eagle Investors, LLP d/b/a Manson Ampride	4	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
6/19/01	John Hoth	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
6/25/01	Used Tire Sales & Service, Inc.	2	Admin. Order/Penalty	SW	Tack	Discovery served by Dept. Response due 8/16/01. 9/01 - Discovery response received. Depositions to be scheduled.
6/27/01	Dostal Construction	5	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer sent 7/18/01.
6/27/01	Tama Beef Packing, Inc.	5	Admin. Order/Penalty	SW/WW	Hansen	Hearing scheduled for 10/22/01. Petition received 9/17/01. 10/05/01 - Answer filed by Dept. 10/16/01 - Hearing continued until 11/19/01 at request of company attorney.

7/02/01	Bulk Petroleum Corp. d/b/a Citgo	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/02/01	Farmland Industries, Inc. (Manson Ampride)	4	Admin. Order/Penalty	UT	Wornson	9/21/01 – penalty payment received.
7/02/01	James A. Clark	4	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/10/01	Midway Oil Co. (West Branch – 8603858)	6	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/10/01	Midway Oil Co. (Davenport – 8602775)	6	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/11/01	Lester Davis	5	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
7/13/01	Charles Hagedorn	3	Admin. Order/Penalty	AQ	Book	Party had nothing to do with fire. FO had incorrect facts. Awaiting consent amendment removing penalty. Signed consent amendment returned. Awaiting Director's signature.
7/16/01	Midland Transportation Co.	1	Admin. Order/Penalty	UT	Wornson	Midland filed for bankruptcy.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Informal settlement reached.
8/13/01	ABC Disposal Systems, Inc.	1	Admin. Order/Penalty	SW	Tack	Hearing continued.
8/15/01	Trajet Products, Inc.	4	Admin. Order/Penalty	AQ	Preziosi	Meeting held 8/29/01. Negotiations continue.
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 4 on 9/17/01. Tentative agreement reached on revised schedule.
8/21/01	Clinton, City of	6	Admin. Order/Penalty	WW	Hansen	9/20/01 – Penalty received.
8/21/01	Earlham, City of	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 5. 10/31/01 – Dept. settlement offer to City.
8/24/01	Northwest Iowa Area Solid Waste Agency	3	Admin. Order/Penalty	SW	Tack	Consent order entered. Penalty paid. Case closed.
8/27/01	Lehigh Portland Cement Co. (42)	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/25/01	Lawrence Lenertz	5	Admin. Order/Penalty	UT	Wornson	New case.
9/28/01	Bob Luke d/b/a D & R Tree Service	6	Admin. Order/Penalty	AQ/SW/WW	Tack	New case.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	New case.
10/02/01	Lawrence "Bub" Korver d/b/a Korver Development Co.	3	Admin. Order/Penalty	WW	Tack	New case.
10/03/01	Mark Broderick	5	Admin. Order/Penalty	WW	Murphy	New case.
10/08/01	Ervin Jones; City of Swisher	6	Certification Denial	WW	Wornson	New case.
10/22/01	Gemini Incorporated		Permit Conditions	AQ	Preziosi	New case.
10/26/01	Postville, City of	1	Certification Suspension	WS	Wornson	New Case.

During the period October 1, 2001 through October 31, 2001, 9 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October	9(5)	1	.0211	0	0(0)
November	1(0)	10	0.001	1	0(0)
December	1(0)	1	.015	1	0(0)
January	5(0)	1.4	.323	3	0(0)
February	2(0)	1	.00035	0	0(0)
March	10(0)	1.4	.4199	1	0(0)
April	3(0)	1.1	0.057	1	0(0)
May	10(0)	14.51	0.047	5	0(0)
June	6(0)	2	0.049	0	0(0)
July	6(0)	1.2	0.069	1	0(0)
August	9(0)	1.78	.044	0	1(0)
September	5(0)	1	.005	3	0(0)

(numbers in parentheses for same period last year)

Note: data not previously collected,
thus no data for the previous year

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	2	1	3	2	1

Mike Valde briefed the Commission on some of the monthly reports.

Mike Murphy briefed the Commission on the memo he sent to the Commissioners regarding enforcement actions for manure releases vs. municipal by-passes. He said the bottom line is that it is fair to say that the Department does treat municipal bypasses differently than manure releases but they believe the difference is rational based on the harm to the environment. In addition when a municipal facility is in violation they are required to implement expensive corrective actions.

Darrell Hanson asked what the current status was for the Sunrise Dairy Farm.

Mike Murphy said in order to discuss this the Commission would need to go into closed session.

Closed Session

Motion was made by James Braun to go to closed session pursuant to Iowa Code section 21.5(1)(C) to discuss strategy with council in matters that are presently in litigation or where litigation is imminent where its disclosure would like to prejudice or disadvantage the position of the government body in that litigation. Seconded by Kelly Tobin. Roll call vote went as

follows. James Braun – Aye; Kelly Tobin – Aye; Darrell Hanson – Aye; Gary Priebe – Aye; Rita Venner – Aye; Terry Townsend - Aye

The commission returned to open session at 3:12 p.m.

No action was taken in the closed session.

INFORMATION ONLY

GENERAL DISCUSSION

Terry Townsend asked when they were going to review the legislative agenda.

Deputy Director Larry Wilson said the Department is hoping to have it available for the Commission's review at the December meeting. He asked the Commission if they would be interested in holding the December meeting in Boone in order to tour a coal tar removal site that is there.

It was decided that the Commission would discuss it during their teleconference on Wednesday.

Larry Wilson presented a draft of some guidelines for public participation during Commission meetings.

It was decided that the guidelines would be adopted and used in the future.

ADJOURNMENT

Motion was made by Darrell Hanson to adjourn. Seconded by Gary Priebe. Motion carried unanimously.

With no further business to come before the Environmental Protection Commission, Chairman Townsend adjourned the meeting at 3:21 p.m., Monday, November 19, 2001.

Jeffrey R. Vonk, Director

Terrance Townsend, Chair

Rita Venner, Secretary

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